IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5605 of 1991

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

H B RANA

Versus

STATE OF GUJARAT

Appearance:

MR JC SHETH for Petitioner

Ms Manisha L. Shah for Mr SP HASURKAR for Respondent No. 1, 2, 3

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI

Date of decision: 15/09/2000

ORAL JUDGEMENT

The petitioner retired from Government service on age of superannuation on 31.5.1986 from the post of Accounts Officer, class I.

He has approached this court seeking a prayer against the respondents- State of Gujarat and Deputy Accountant General, Rajkot for payment of amount due to his credit in General Provident Fund Account.

Learned counsel for the petitioner has taken me through the contents of the reply affidavit filed by the Deputy Accountant General, (respondent No.3) of office of the Accountant General. In the reply affidavit filed, what has been repeatedly stated is that there was wilful omission in submitting final payment application 10 (A) part II under Rule 31 (5) of GPF Rules. The subscriber got sanctioned for withdrawal a sum of Rs. 1,25,000/- which was actually withdrawn on 4.6.1986 after his retirement. It is stated that such withdrawal was contrary to Rule 31 (5) (c) of the GPF Rules. Attention of the court is also invited to certain correspondence exchanged between the office of Accountant General and the petitioner wherein the petitioner was asked to give full details of credit shown in his GPF account.

It is difficult to understand how the petitioner can be blamed for sanction of withdrawal in his favour in a sum of Rs. 1,25,000/- and some discrepancy in his GPF Account. That was an internal matter between his employer and the office of the Accountant General.

Petition was filed in the year 1991 and is being decided in 2000. It is high time that the petitioner, who retired in the year 1986, be paid the outstanding dues in his GPF account. I find no substance in the reply affidavit submitted on behalf of the respondents.

Consequently, the petition succeeds and is allowed. Rule is made absolute with no order as to costs. The respondents are directed to work out total dues of the petitioner in his GPF account and pay the same to him with interest at the rate of 18% per annum within an outer limit of three months from today.

(D. M. Dharmadhikari, C.J.)

parekh